

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHELSEY GOSSE,	:	Civil No. 3:20-CV-1446
	:	
Plaintiff,	:	(Judge Mariani)
v.	:	
	:	
KEYSTONE HUMAN SERVS., et al.,	:	(Magistrate Judge Carlson)
	:	
Defendant.	:	

MEMORANDUM AND ORDER

The background of this order is as follows:

On August 14, 2020, the plaintiff filed this lawsuit challenging the debt collection practices of the defendants under state and federal law. (Doc. 1.) Several defendants then filed motions to strike or dismiss the complaint. (Docs. 21, 22, 23). The plaintiff, in turn, sought and obtained leave of court to file an amended complaint. (Docs. 42, 43). We granted this request recognizing that Rule 15(a) of the Federal Rules of Civil Procedure, which governs amendment of pleadings strongly favors amendment of pleadings, and provides that such leave to amend should be liberally granted “when justice so requires.” Fed. R. Civ. P. 15(a)(2). On December 3, 2020 the plaintiff filed this amended complaint. (Doc. 44).

Accordingly, IT IS ORDERED as follows:

1. The plaintiff's amended complaint (Doc. 44) is deemed the operative pleading in this case.

2. We believe that this development has substantive significance for the parties with respect to the pending motions to dismiss or strike the original complaint filed in this case since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating the original complaint.

Crysen/Montenay Energy Co. v. Shell Oil Co. (In re Crysen/Montenay Energy Co.), 226 F.3d 160, 162 (2d Cir. 2000) ("[A]n amended pleading ordinarily supersedes the original and renders it of no legal effect"); see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice & Procedure § 1476 (2d ed. 1990) ("A pleading that has been amended ... supersedes the pleading it modifies.... Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."). Therefore, since the initial complaint is now a legal nullity the defendants' motions to dismiss or strike that initial complaint, (Docs. 21, 22, 23), are DISMISSED as moot.

3. However, this order is entered without prejudice to the assertion of any defenses or dispositive motions that the defendants may believe are appropriate with respect to the amended complaint.

SO ORDERED, this 4th day of December 2020.

/s/ Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge